

Objective 4.1 Identify factors that impact on initiating a vehicle pursuit.

## **INTRODUCTION**

There is a school of thought that seems to be gaining ground that would discourage all vehicular pursuits. This trend is the result of public outcry regarding the perceived danger that the public, the violator and the officer are exposed to during pursuits, and the threat of litigation against the individual officer and the agency depending upon the conduct and outcome of the pursuit.

The question at issue should not be are pursuits dangerous; we know they are. The question that must be addressed is when there is a demonstrated need to conduct vehicular pursuits under explicitly defined circumstances. It is incumbent upon agencies to provide their officers with a training program specifically designed to address those factors that affect the critical decisions of whether or not to engage in a vehicular pursuit, and when and if to terminate a pursuit, once begun.

## **CONTENT**

Consideration of the following factors will assist officers in determining when to initiate a pursuit.

### **LEGAL AUTHORITY AND AGENCY POLICY**

The guidelines set forth by state law and agency policy are not optional. Officers are bound by these restrictions whether they personally agree with them or not. Officers must be absolutely sure what the state law and agency policy allows and that they DO NOT exceed those limitations.

### **ENVIRONMENTAL FACTORS**

1. Weather conditions affect vehicle operation and must be considered in the pursuit decision.
2. Traffic conditions such as density, patterns and speed must be considered when pursuing. Not all pursuits will involve high speeds. The speed of the fleeing vehicle will most likely be controlled by these traffic conditions, which will continually change, requiring ongoing evaluation and consideration as to whether or not the pursuit should be continued.
3. Population conditions such as urban areas, school zones and industrial zones will affect the pursuit. This consideration will include the area that the pursuit is currently in, as well as the area that the pursuit may be entering.

4. Time of day/day of the week considerations vary continually. Daylight affords the best visibility; dawn/dusk light tends to distort depth perception; and darkness greatly diminishes visibility. Traffic volume in urban areas may increase on certain days of the week. School buses may be operating in rural and residential areas during morning and afternoon hours.
5. Roadway design and conditions affect the pursuit greatly. The pursuit will undoubtedly create less danger on a four-lane divided highway than on a crooked, narrow, two-lane rural highway or in a urban residential area. In addition to the design, the condition of the roadway itself may create further danger. Officers should be aware of any loose material on the road surface and use caution when pursuing on dirt or gravel roads.
6. Visibility conditions may be affected by other environmental factors. Weather and time of day have the most obvious effect on visibility. The increase of speed will reduce the officer's peripheral field of vision. Dirty windshields and headlamps can also contribute to this reduced visibility. Officers should remember that every time they clean their windshield they should also clean their headlamps.

#### VEHICULAR FACTORS

1. Tires are the single most important component of the vehicle. Tires must be examined daily prior to the vehicle's tour of duty for tread wear, cuts, bruises, abrasions and foreign objects that have penetrated the tire. The air pressure must be checked daily and corrected if necessary. If any defect is discovered during the tire examination, the tire must be replaced or repaired prior to beginning the tour of duty.
2. Brakes are of vital importance in the operation of the vehicle. Officers should remain attentive to the way the vehicle responds during each application of the brakes. Unusual noises, poor response or brakes pulling in either direction should be checked and corrected immediately. If the officer should experience any problem with the vehicle's braking system during vehicle operation, the vehicle should be taken out of service until the problem is corrected. This is especially true during pursuits. Any vehicle experiencing braking problems, including brake fade, should immediately terminate participation in the pursuit.

3. Suspension systems on vehicles should be checked routinely by appropriate maintenance personnel. Officers should remain aware of the "handling" or "response" of the vehicle. If problems in the suspension develop, the vehicle should be taken out of service until the problem is corrected.
4. Emergency warning devices are just that, devices designed to warn other motorists of the approach of an emergency vehicle. They are a means of communication. As such, they require that the other motorist first hear or see them, mentally process what they are, and react to them. Officers must be aware of the legal requirements and their agency policy regarding emergency warning devices. The use of these devices does not guarantee the officer safety, authorize the officer to violate legal restrictions or agency policy, nor does it allow the officer to operate the vehicle without due regard for the safety of others. Both audio and visual warning devices should be used during a pursuit. Unmarked vehicles should terminate participation in the pursuit as soon as a marked vehicle can be utilized.
5. Mechanical failure can be greatly reduced by regular vehicle inspection and proper preventative maintenance. Officers should immediately correct any mechanical malfunction that is discovered during the vehicle's pre-operational inspection or occurs during any patrol operation. Any vehicle that experiences any mechanical failure during a pursuit should immediately terminate participation in the pursuit.

## HUMAN FACTORS

When considering the human factors involved in initiating a pursuit, we must consider the two individuals participating, the officer and the violator, and their individual roles in the pursuit.

1. The officer
  - a. Psychological factors that affect an officer's ability to conduct a safe and effective pursuit include stress and attitude. The stress an officer may endure during a pursuit is considerable and may possibly affect his or her ability to make proper judgments and decisions. The officer's attitude and emotions are also affected by stress. Officers should avoid taking pursuits personally. Officers must control their emotions, remain calm and stay focused the task at hand. Failure to do so may cause officers to take unnecessary risks.

b. Physiological factors such as fatigue or poor physical fitness, are often related to an officer's psychological state. Irregular hours, shift work, poor eating habits, secondary employment and alcohol or substance abuse tend to produce these effects. Officers have a duty to the public, their families, and themselves to remain in top physical condition. Officers who fail to do so should avoid situations as physically demanding as pursuits. This factor affects senses such as vision, hearing, smell, and touch, all of which provide the input-data needed for decision making during pursuits.

(1) Vision supplies 90-95% of the incoming data. At high speeds peripheral vision narrows and depth perception is less accurate. Night pursuits will incorporate these along with reduced field of vision and color recognition.

(2) Hearing provides input from traffic, the pursuit vehicle's tires, other emergency vehicles and radios.

(3) Smell can help detect and differentiate between odors of gasoline, brake or engine overheating or electrical shorts.

(4) Touch provides input from the hands, feet and buttocks as to the vehicle's dynamics.

During a pursuit, the body receives an "adrenaline kick", due to the heightened anxiety and emotion, which provides assistance to body functions and reactions. Officers should learn to expect this adrenaline boost and use it to their advantage rather than letting it lead to faulty decisions.

## 2. The violator

a. Psychological factors that may effect the violator are often the same as for the officer—stress and attitude. However, their effect is much different. The stress the violator may endure in his/her attempt to elude arrest is often great and most certainly will affect his/her ability to make proper judgments and decisions. The violator's goal in the pursuit is to elude arrest. Attitude and emotions are most likely out of control, and they have no need to regain that control. To the violator, there is no need to remain calm, and much can be gained by taking unnecessary risk. With the violator, the pursuit is personal.

- b. Physiological factors such as fatigue, poor physical fitness and impairment may often be associated with a violator's psychological state. Alcohol and drug consumption are often producing these effects. These factors affect the senses such as vision, hearing, smell, and touch, all of which provide the input-data needed for decision-making during the driving task and contribute to poor decision-making.

## ETHICAL CONSIDERATIONS

The role of the officer during a pursuit must be totally understood. The public generally perceives the officer's role as a protector of lives and property, and rightly so. Officers must recognize that this role, or duty, extends not only to the public, but to themselves, their fellow officers, and even to the violator. Therefore, it is imperative that officers maintain the highest ethical and professional standards during any involvement in a pursuit situation. An officer's involvement may entail the role of the primary pursuit vehicle, the secondary pursuit vehicle, or no more than the monitoring of radio communications concerning a pursuit being conducted by other officers.

The decision to engage in a pursuit will be easier to make than the decision to terminate a pursuit. Involved officers must remain professional, focused on the task at hand and the skills required to complete that task, and not allow themselves to become emotionally or personally involved. While it's true that flagrant violators cannot be allowed to use the highways freely for unlawful purposes, neither can law enforcement officers engage in pursuits with reckless disregard for the safety of the public.

## SUPERVISION CONSIDERATIONS

All pursuits should be supervised if the agency is large enough to have more than one supervisor on duty at a time. Supervision of the pursuit should consist of another individual, a ranking officer or not, who is not directly involved in the pursuit operation and is capable of making objective decisions. During the duration of the pursuit, multiple law enforcement agencies, officers, and vehicles may become involved. Officers must consider the need for assistance and the risk involved in obtaining it. Generally, no pursuit should involve more than two (2) law enforcement vehicles in direct pursuit; the primary pursuit vehicle, and the secondary pursuit vehicle. The primary pursuit vehicle is responsible for the actual pursuit task. The secondary pursuit vehicle is responsible for communications and back-up. Other officers and vehicles should monitor the progress of the pursuit, travel at legal speeds, position themselves to assist if necessary, and maintain radio silence.

**SERIOUSNESS OF THE OFFENSE/SUSPICION CONSIDERATIONS**

Offenses and suspicions may be classified depending upon their immediate threat to the public. The level of continuing threat must be considered when deciding to initiate, continue, or terminate a pursuit. Officers should refer to the guidelines that are set forth by state law and agency policy. Officers are bound by these restrictions whether they personally agree with them or not. Officers must be absolutely sure what their state law and agency policy allows, and NOT exceed those limitations.

**SUMMARY**

The decision to flee is made by the violator, but the decision of whether to pursue or continue pursuit is made by the officer. The factors presented here should assist the officer in forming the correct decision.

**SUGGESTED INSTRUCTIONAL METHODOLOGY****LECTURE**

Use the suggested text as a guide for presentation to the class. Supplement this text with the statutory requirements and agency policy that affects the class.

**SMALL GROUPS**

Divide the class into groups of 3 - 6 students. Ask the students to list factors that will affect the decision to initiate a pursuit. List the responses on a chalkboard/flip chart.

**CLASS DISCUSSION**

Using videos of actual pursuits from patrol vehicles equipped with cameras, have the class identify the factors that would apply in making the decision to pursue. These videos should include both motor vehicle law and felony violations, if possible. Ask the students to identify their attitudes, emotions and desire to apprehend the violator for each situation. As their answers may be controversial and because seldom will the entire class be in agreement, discussion may exist individually or in the form of a class debate. The answers are not as important as their ability to identify the factors that impact on the decision to initiate a pursuit.

**RESOURCES AND TRAINING AIDS**

1. State statutes
2. Agency policies
3. Pursuit films and videos
4. Driving simulator
5. Interactive computer program

**SUGGESTED EVALUATION METHODOLOGY****STUDENT**

1. Written responses to questions regarding factors to consider when initiating a pursuit.
2. Using a driving simulator or an interactive computer program, provide the student with situations that will involve decisions being made whether or not to initiate a vehicular pursuit.
3. Performance evaluation during a simulated pursuit training exercise.

**COURSE**

1. Review of agency emergency/pursuit response data.